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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19095-2023
DECIDED ON: 25th APRIL, 2023

MANJINDER SINGH @ MANNA @ MANU

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973 has been invoked for grant of regular bail to the petitioner in case FIR No. 75, dated 02.09.2022, under Sections 386, 387, 388, 389 and 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 (6) (7) of Arms Act, 1959 and Sections 21 and 29 of NDPS Act, 1985, registered at Police Station Harike, District Tarn Taran.

Learned counsel for the petitioner has contended that the petitioner has been nominated as an accused in the present case merely on the basis of disclosure statement of the co-accused Nachattar Singh and only an amount of Rs.15,000/- was recovered from him. It is also pointed out by learned counsel for the petitioner that no contraband whatsoever of any quantity was recovered from the possession of the petitioner and

therefore, he has been falsely implicated in the present case, having no direct evidence against him, to *prima-facie* makes out a case under NDPS Act and other provisions of IPC also not at all attracted, particularly in the light of the fact that even no weapon has been recovered from the petitioner.

Custody certificate of the petitioner filed by learned State counsel is taken on record. According to custody certificate the petitioner has suffered incarceration for a period of 6 months and 9 days and is also involved in one other case. He has not controverted the fact that the petitioner was nominated as an accused merely on the basis of disclosure statement of co-accused and no contraband was recovered from the petitioner, apart from recovery of an amount of Rs.15,000/-.

Looking into the totality and the fact that the co-accused has already been granted the concession of regular bail by this Court vide order dated 10.02.2023 passed in CRM-M-6414-2023, apart from the fact that he has been roped in the present case on the basis of disclosure statement having no contraband recovered from his possession and was not apprehended from the spot but has been arrayed as an accused later on, this Court is of the view that this Court is of the considered view that *prima-facie* there is no direct evidence against the petitioner to connect him in the commissioning of offence.

The petitioner is ordered to be released on regular bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands allowed in view of the afore-said terms.

However, it is made clear that anything stated hereinabove,
shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

25^h APRIL, 2023
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- 1. Whether speaking/ reasoned : Yes / No
- 2. Whether reportable : Yes / No